

REMARKS

Claims 1-20 are pending in the application. In the Office Action mailed June 16, 2004, the Examiner took the following action: (1) objected to the drawings under 37 CFR 1.83(a); (2) objected to the disclosure due to informalities; (3) rejected claims 17-20 under 35 USC § 102(b) as being anticipated by Taniguchi (U.S. 4,068,786); (4) rejected claims 1-6 and 8-16 under 35 USC § 103(a) as being unpatentable over Taniguchi in view of Hoffman (U.S. 5,649,658); and (5) rejected claim 7 under 35 USC § 103(a) as being unpatentable over Taniguchi in view of Hoffman and Pavlik (U.S. Des. 387,953). Applicants respectfully request reconsideration of the application in view of the foregoing amendments and the following remarks.

The present invention is directed to diaper changing apparatus and methods. Certain embodiments of the present invention will now be discussed in comparison to the applied references. Of course, the following discussion of these disclosed embodiments, and the differences between the disclosed embodiments and the subject matter described in the applied references, do not define the scope or interpretation of any of the claims. Instead, such discussed differences merely help the Examiner appreciate important claim distinctions discussed thereafter.

In one embodiment, a diaper changing assembly includes a bag member that partially encloses an interior region and forms an access opening leading thereto. The bag member includes an outer surface having at least one first securing member formed thereon and a bottom portion positioned opposite from the access opening. A changing mat is operatively coupled to the outer surface and has at least one second securing member formed thereon. The changing mat is foldable into a plurality of portions such that in a closed position, the plurality of portions are positionable proximate the outer surface and the first and second securing members are engageable with the changing mat occupying a stowed position external to the bag member.

Conversely, in an open position, the plurality of portions may be unfolded to provide an elongated changing surface.

Significantly, the bag member in accordance with the present invention is adapted such that the bottom portion remains engaged with the support surface (Application, page 6, line 1 and Figures 1-5), the interior region remains substantially accessible through the access opening (Application, page 4, line 11-13), and the bag member remains substantially unchanged during articulation of the changing mat between the open and closed positions (Application, page 3, line 7-8). These features provide significant advantages over the prior art, including ease of use and convenience to a care-giver while performing a diaper changing operation, which may enhance safety and improve the quality of the diaper changing experience for the child.

Taniguchi (U.S. 4,068,786)

Taniguchi teaches a bag having an approximately triangular cross-sectional shape (3:7-11; Figure 1). A tongue cover 6 is secured to the bag and folds over the top of the bag (Figures 1 and 2). In operation, as shown in Figure 7, the tongue cover 6 is unfolded from over the bag 41 and the bag 41 is rolled over onto its side so that an infant may be positioned on the tongue cover 6 with the bag 41 forming a pillow for the infant.

Taniguchi does not disclose, teach, or fairly suggest the apparatus taught by Applicants. More specifically, Taniguchi fails to teach or suggest a diaper changing assembly wherein the *bag member is adapted such that the bottom portion remains engaged with the support surface, the interior region remains substantially accessible through the access opening, and the bag member remains substantially unchanged during articulation of the changing mat between the open and closed positions.* According to Taniguchi, the triangularly-shaped bag does not include a bottom portion opposite from the access opening that remains engaged with the support surface during articulation of the changing mat. Rather, Taniguchi teaches that the bag member is rolled over during articulation of the changing mat to become a pillow. Also, during this operation, the

interior region is not substantially accessible through the access opening. Therefore, Taniguchi fails to teach or fairly suggest the inventive apparatus and methods taught by Applicants.

Hoffman (U.S. 5,649,658)

Hoffman teaches a backpack with an auxiliary changing table compartment 20 (2:65-66; Figure 1). As best shown in Figures 5 and 6, a pad 110 is foldably stored within the auxiliary compartment 20. In operation, a zipper 73 is articulated to open the auxiliary compartment 20, and the pad 110 is unfolded for use.

Hoffman fails to disclose, teach, or fairly suggest the apparatus taught by Applicants. Specifically, Hoffman fails to teach or suggest a diaper changing assembly wherein the *bag member is adapted such that the bottom portion remains engaged with the support surface, the interior region remains substantially accessible through the access opening, and the bag member remains substantially unchanged during articulation of the changing mat between the open and closed positions.* According to Hoffman, the bag member must be substantially modified during deployment of the pad 110 by opening the zipper 73 on the auxiliary compartment 85 in order to get to the pad 110. Therefore, Hoffman fails to teach or fairly suggest the inventive apparatus and methods taught by Applicants.

Pavlik (U.S. Des. 378,953)

Pavlik likewise teaches bag that includes an auxiliary compartment, and a mat foldably disposed within the auxiliary compartment. Like Hoffman, Pavlik fails to disclose, teach, or fairly suggest a diaper changing assembly wherein the *bag member is adapted such that the bottom portion remains engaged with the support surface, the interior region remains substantially accessible through the access opening, and the bag member remains substantially unchanged during articulation of the changing mat between the open and closed positions.* According to Pavlik, the bag member must be substantially modified during deployment of the

pad by opening a zipper on an auxiliary compartment in order to get to the pad. Also, the interior region of the bag does not remain accessible through the access opening. Therefore, Pavlik fails to teach or fairly suggest the inventive apparatus and methods taught by Applicants.

I Rejection of claims 17-20 under 35 USC § 102(b).

The Office Action rejected Claims 17-20 under 35 USC § 102(b) as being anticipated by Taniguchi.

Claims 17-20

Turning now to the specific language of the claims, claim 17 recites a method of changing diapers comprising providing a bag member that partially encloses an interior region and having an access opening leading thereto, *the bag member including an outer surface and a bottom portion positioned opposite from the access opening; engaging the bottom portion with a support surface such that the interior region is substantially accessible through the access opening; deploying a changing mat operatively coupled to the outer surface into an open position to provide an elongated changing surface without modification of the bag member, the bottom portion remaining engaged with the support surface and the interior region remaining substantially accessible through the access opening; positioning a wearer of a diaper on the changing surface; installing a diaper on the wearer; and redeploying the changing mat into a closed position proximate the outer surface wherein the changing mat occupies a stowed position external to the bag member and without modification of the bag member, the bottom portion remaining engaged with the support surface and the interior region remaining substantially accessible through the access opening.* (emphasis added).

As described above, Taniguchi does not disclose, teach, or fairly suggest the apparatus taught by Applicants. More specifically, Taniguchi fails to teach or suggest a method including deploying a changing mat operatively coupled to the outer surface into an open position to provide an elongated changing surface without modification of the bag member, *the bottom portion remaining engaged with the support surface and the interior region remaining substantially accessible through the access opening.* Rather, Taniguchi teaches that the bag member is rolled over during articulation of the changing mat to become a pillow. Also, during

this operation, the interior region is not substantially accessible through the access opening. Therefore, Taniguchi fails to teach or fairly suggest the method recited in claim 17.

Claims 18-20 depend from claim 17 and are allowable over Tanaguchi for the same reasons as claim 17 and also due to additional limitations contained in those claims.

For the foregoing reasons, Applicants respectfully request reconsideration and withdrawal of the rejections of claims 17-20.

II. Rejection of claims 1-6 and 8-16 under 35 USC § 103(a).

The Office Action rejected claims 1-6 and 8-16 under 35 USC § 103(a) as being unpatentable over Taniguchi in view of Hoffman, and rejected claim 7 under 35 USC § 103(a) as being unpatentable over Taniguchi in view of Hoffman and Pavlik.

Commercial Success

The Examiner is kindly requested to review the enclosed Declaration of Linda Woodward regarding the commercial success of the products covered by the patent application. It is noted that a license has been granted to Samsonite Juvenile Products division to produce and sell products covered by the present patent application. At this time, Samsonite Juvenile is offering the product through at least 24 retail outlets under the license agreement. The license agreement was initially for a limited term of approximately 3 months, however, it was recently renewed for another 6 months -- effectively tripling the term of the original license agreement. In addition, negotiations with WalMart have culminated in the development of a product covered by the patent application that is being manufactured in China and will begin selling this Fall in approximately 25 WalMart stores.

Clearly, the facts recited in the enclosed declaration demonstrate that the products covered by the patent application are achieving commercial success. In addition to the factors described more fully below, the commercial success of the products covered by the patent application demonstrate that the present invention is non-obvious in view of the prior art. Therefore, in conjunction with the reasons set forth below, the Examiner is kindly requested to reconsider and withdraw the rejections of the pending claims based on 35 USC § 103(a).

Claims 1-10

Similarly, claim 1 recites a diaper changing assembly comprising a bag member partially enclosing an interior region and forming an access opening leading thereto, the bag member including an outer surface having at least one first securing member formed thereon and a bottom portion positioned opposite from the access opening; and a changing mat operatively coupled to the outer surface and having at least one second securing member formed thereon, the changing mat being foldable into a plurality of portions such that in a closed position, the plurality of portions are positionable proximate the outer surface and the first and second securing members are engageable with the changing mat occupying a stowed position external to the bag member, and in an open position the plurality of portions may be unfolded to provide an elongated changing surface, *the bag member being adapted such that the bottom portion remains engaged with the support surface, the interior region remains substantially accessible through the access opening, and the bag member remains substantially unchanged during articulation of the changing mat between the open and closed positions.* (emphasis added).

As described above, the combination of Taniguchi, Hoffman, and Pavlik fails to teach or fairly suggest the apparatus recited in claim 1. Specifically, Taniguchi fails to teach or suggest a diaper changing assembly wherein *the bag member is adapted such that the bottom portion remains engaged with the support surface, the interior region remains substantially accessible through the access opening, and the bag member remains substantially unchanged during articulation of the changing mat between the open and closed positions.* Similarly, Hoffman and Pavlik fail to teach or suggest a diaper changing assembly wherein *the interior region remains substantially accessible through the access opening, and the bag member remains substantially unchanged during articulation of the changing mat between the open and closed positions.* Therefore, either singly or in combination, the cited references fail to teach or fairly suggest the apparatus recited in claim 1.

Claims 2-10 depend from claim 1 and are patentable over the cited references for the same reasons as claim 1 and also due to additional limitations contained in those claims. For example, claim 4 recites the diaper changing assembly of Claim 1, wherein the bag member

includes a substantially rectangular member having first and second side panels, opposing end panels, and a bottom panel coupled to the first and second side panels and the opposing end panels, the bottom panel comprising the bottom portion. These additional limitations are also not taught or fairly suggested by the cited references.

Claims 11-16

Claim 11 recites a diaper changing assembly comprising a bag member having at least two side panels that substantially enclose an interior region and at least partially form an access opening leading thereto, the bag member including an outer surface having at least one first securing member formed on one of the side panels and a bottom portion positioned opposite from the access opening; and a changing mat removably coupled to the outer surface of the one of the side panels, the changing mat having a compartmentless exterior surface and having at least one second securing member formed thereon and engageable with the first securing member, the changing mat being foldable into a closed position such that the changing mat is stowed proximate the one of the side panels and the first and second securing members are engageable, the changing mat further being unfoldable into an open position to form an elongated changing surface, *the bag member being adapted such that the bottom portion remains engaged with the support surface, the interior region remains substantially accessible through the access opening, and the bag member remains substantially unchanged during articulation of the changing mat between the open and closed positions.* (emphasis added).

As described above, the combination of Taniguchi, Hoffman, and Pavlik fails to teach or fairly suggest the apparatus recited in claim 11. Specifically, Taniguchi fails to teach or suggest a diaper changing assembly wherein *the bag member is adapted such that the bottom portion remains engaged with the support surface, the interior region remains substantially accessible through the access opening, and the bag member remains substantially unchanged during articulation of the changing mat between the open and closed positions.* Similarly, Hoffman and Pavlik fail to teach or suggest a diaper changing assembly wherein *the interior region remains substantially accessible through the access opening, and the bag member remains substantially unchanged during articulation of the changing mat between the open and closed positions.*

Therefore, either singly or in combination, the cited references fail to teach or fairly suggest the apparatus recited in claim 11.

Claims 12-16 depend from claim 11 and are patentable over the cited references for the same reasons as claim 11 and also due to additional limitations contained in those claims. For example, claim 4 recites the diaper changing assembly of Claim 11, wherein the bag member includes a substantially rectangular member having opposing end panels coupled between the first and second side panels, and a bottom panel coupled to the end panels and to the side panels, the bottom panel comprising the bottom portion and substantially enclosing a lower end of the interior region. These additional limitations are also not taught or fairly suggested by the cited references.

For the foregoing reasons, Applicants respectfully request reconsideration and withdrawal of the rejections of claims 1-16.

III. Objection to the drawings under 37 CFR 1.83(a) and objection to the disclosure due to informalities.

The Office Action objected to the drawings under 37 CFR 1.83(a) and objected to the disclosure due to informalities. Applicants have submitted amended drawings concurrently herewith, and have corrected the informalities noted by the Examiner in the specification. Accordingly, Applicants respectfully request reconsideration and withdrawal of the objections to the drawings and the specification.

CONCLUSION

Based on the foregoing amendments and remarks, Applicants respectfully request reconsideration and withdrawal of the rejections of Claims 1-20. If there are any matters that may be handled by telephone conference, the Examiner is kindly invited to telephone the undersigned attorney.

Respectfully submitted,

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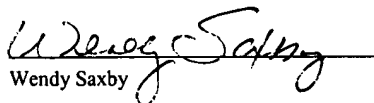
Enclosures:

Declaration of Linda Woodward
Replacement Drawing Sheets

MAIL CERTIFICATE

I hereby certify that this communication is being deposited with the United States Postal Service via first class mail under 37 C.F.R. § 1.08 on the date indicated below addressed to: MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Sept. 14, 2004
Date of Deposit


Wendy Saxby